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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,410	10/27/2003	Sixten Johansson	3502-1092	9634

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EXAMINER	
TRAN, PHUC H	

ART UNIT	PAPER NUMBER
2471	

NOTIFICATION DATE	DELIVERY MODE
12/09/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

DocketingDept@young-thompson.com

Office Action Summary	Application No.	Applicant(s)	
	10/695,410	JOHANSSON, SIXTEN	
	Examiner	Art Unit	
	PHUC TRAN	2471	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 October 2010*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17 and 19-22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17 and 19-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

   A person shall be entitled to a patent unless –

   (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 6-8, 11-18, and 20-21, are rejected under 35 U.S.C. 102(b) as being anticipated by Kawase et al. (U.S. Patent No. 5631896)

- With respect to claims 1, 13-15 and 18, Kawase teaches system for performing a switch-over in data communication within a data computer device (e.g. Fig. 1 shows switch over within a computer device 1 and 2) in accordance with protection switching data communication principles, said system comprising said data computing device arranged to operate in a data network according to the protection switching data communication principles (e.g. the system protects data in network as show in Fig. 1), the data computing device comprising:

a configurable integrated circuit of a unit of said data computing device for signaling a need for the switch-over in real time based data communication to a configurable integrated circuit of a protection pair unit of said unit of said data computing device (e.g. the block 53 in Fig. 3 signal the block 70 to switch-over the protecting pair unit),

wherein said configurable integrated circuit of said protecting pair unit of said data computing device is structured and arranged to perform the switch-over independently of a CPU, when the switch-over is needed (e.g. the hitless path switching apparatus as in Fig. 3), and

wherein said data computing device is arranged to operate in a data network according to the protection switching data communication principles and contains both the configurable integrated circuit of said unit and said configurable integrated circuit of said protecting pair unit (e.g. Fig. 3 show the protection data and the pair unit).

- With respect to claim 2, Kawase teaches wherein the system provides the signaling between the first unit and protection pair unit without a participation of the CPU (e.g. Fig. 3 shows from the working path to protecting path without the CPU).

- With respect to claim 6, Kawase teaches, wherein the signal comprises a protection message for delivering that the data communication of a receiving unit is at least one of faulty and unfaulty (e.g. the signal between master and slave router as show in Fig. 5).

- With respect to claim 7, Kawase explicitly teaches wherein the real time based data communication presumes the switch-over to take place in less than 50 milliseconds from an occurrence of a connection fault (see col. 2, lines 10-13, it inherently understand that switch-over of Kawase is less than 50ms).

- With respect to claim 8, Kawase discloses wherein the data communication comprises at least one of Internet Protocol, Ethernet, and MPLS for real time telecommunication services (e.g. col. 1, lines 7-11).

- With respect to claim 11, Kawase teaches wherein the real time based data communication is such that human senses any application based on the real time based data communication substantially immediate (it's inherently to understand that the real time as the human senses).

- With respect to claim 12, Kawase discloses wherein the data communication takes place between a source computing entity and a sink computing entity (e.g. Fig. 1 shows).

- With respect to claim 16, Kawase further teaches before the step of signaling the step of detecting a connection fault in the data communication at the unit (e.g. the detecting at block 70 in Fig. 3).

- With respect to claims 17 and 21, Kawase teaches the step of receiving the need at the protecting pair unit and performing the switch over by activating the data communication on the protecting pair unit (e.g. Fig. 9).

- With respect to claims 19-20, Kawase discloses wherein said unit comprises a card and said protecting pair unit comprises another card (e.g. interface circuit in Fig. 2).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 3-5, 9-10 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawase et al. (U.S. Patent No. 5631896) in view of Shabtay et al. (U.S. Patent No. 7093027)).

- With respect to claims 3 and 22, Kawase discloses all the aspect of the claimed invention as set forth above but fails to teach wherein the configurable integrated circuit comprises at least one of application-specific integrated circuit and field- programmable gate

array. Shabtay discloses the configurable integrated circuit comprises at least one of application-specific integrated circuit and field- programmable gate array (e.g. col. 10, line 11). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to implement the FPGA into Kawase for communication between user.

- With respect to claims 4-5 and 9-10, Kawase discloses all the aspect of the claimed invention as set forth above but fails to teach wherein the protection switching comprises a protected LSP based on a working connection and a protecting connection and wherein Multiprotocol Label Switching is contained as a bearer for the data communication. Shabtay teaches wherein the protection switching comprises a protected LSP based on a working connection and a protecting connection (see col. 8, lines 47-56; col. 9, lines 19-21) and wherein Multiprotocol Label Switching is contained as a bearer for the data communication (see col. 1, lines 25-45). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to implement the LSP and MLSP into Kawase for communication between user.

5. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kawase et al. (U.S. Patent No. 5631896) in view of Blackmon et al. (U.S. Patent No. 7324500).

- With respect to claim 14, Kawase discloses all the aspect of the claimed invention as set forth above but fails to teach wherein the configurable integrated circuit is embodied on a configurable integrated circuit card said card signals the need for switch-over in real time based data communication to a configurable integrated circuit of a protecting pair card of said card. Blackmon teaches card (e.g. block 11 in Fig. 1a) and switch-over when it need (e.g. the

protecting and working cards in Fig. 1a). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to implement the cards of Blackmon into Kawase at interface circuit for protecting signal in transmission.

Response to Arguments

Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUC TRAN whose telephone number is (571)272-3172. The examiner can normally be reached on 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, CHI PHAM can be reached on 57127233179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/PHUC H TRAN/
Primary Examiner, Art Unit 2416